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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,352	10/18/2003	Philip E. Weber	65765-0032	2292
10291	7590	04/26/2005	EXAMINER	
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			SAN MARTIN, EDGARDO	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,352	Applicant(s) WEBER, PHILIP E.	
	Examiner Edgardo San Martin	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to because of the following informalities:

- In line 2 should read - - defining - - instead of "defying".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. (US 6,413,611).

With respect to claims 1, 2, 9, 13 and 14, Roberts et al. teach a baffle for use in a cavity of a structural member (Fig.1), the baffle (Fig.18) comprising a support member including a first wall (Fig.18, Item 244) and a second wall (Fig.18, Item 246), the first wall spaced apart from the second wall so as to define an acoustical enclosed gap (Fig.18, Item 243) of predetermined dimension therebetween, wherein the baffle attenuates vibrations transmitted through the cavity of generally about a predetermined frequency (Abstract and Col.1, Lines 7 – 15); and a sealing material (Fig.18, Item 18) operably coupled with and supported by at least a portion of the support member

(Col.10, Lines 16 – 45). However, Roberts et al. fail to explicitly disclose wherein the predetermined dimension is determined based upon the predetermined frequency of vibrations to be desirably attenuated.

The Examiner takes Official Notice that it is well known in the art of acoustics to determined specific dimensions of a cavity, passage, conduit, duct or any hollow structural member based upon the desired sound/vibration frequency to be attenuated inside that member, as a method of tuning the cavity.

It would have been obvious to a person with ordinary skill in the art at the time of the invention was made to determined the Roberts et al. acoustic gap dimensions based upon the frequency of vibrations to be desirably attenuated because by doing this, the acoustic gap is best tuned to attenuate the sound/vibration traveling through it.

With respect to claims 3, 4, 15 and 16, Roberts et al. teach wherein the acoustical gap includes a fluid, and wherein the fluid is air (Fig.18). It is inherent that the acoustical gap is filled with air, since it is not established that the baffle assembly is in a vacuum. In addition, figure 19 shows the gap filled with a material Item 18.

With respect to claims 5 and 17, Roberts et al. teach wherein the support member includes an attachment member (Figs. 2 and 16, Item 32) for securing the baffle to the structural member.

With respect to claims 6 – 8 and 18 – 20, Roberts et al. teach wherein the sealing material is configured to expand when heated to a predetermined temperature; wherein the support member includes a material having a melting point higher than the expansion temperature of the sealing material (Col.4, Line 43 – Col.5, Line 11, Col.6,

Lines 17 – 37 and Col.7, Lines 28 – 47); and wherein the sealing material is disposed about a perimeter of the support member (Figs. 2, 16 and 18, Item 18).

With respect to claim 10, Roberts et al. teach wherein the first support half (Fig.18, Item 244) is secured to the second support half (Fig.18, Item 246).

With respect to claims 11 and 12, Roberts et al. teach wherein the support member includes a rim (Fig.18, Item 260) disposed around a perimeter of the support halves; and wherein the sealing material (Fig.18, Item 18) is operably coupled with and supported by the rim (Fig.18, Item 260).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 9 and 13 have been considered but are moot in view of the new ground(s) of rejection. The Examiner considers that the patent to Roberts et al. teach the limitations described in the claims as discussed above. Roberts et al. clearly established on the Abstract and in Col.1, Lines 7 – 15 that the baffle is used to attenuates acoustics transmissions through a cavity, in addition, the Examiner considers that it is one of the first stages in engineering design to establish the problem to be solve, in this case is to attenuate a vibration traveling at a certain frequency; any person with ordinary skill in the art would recognize that by establishing a problem to be solved do not differentiate the claimed subject matter from the Roberts et al. teachings, which solve the same problem in the same fashion, as discussed above.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

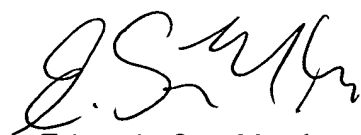
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
April 25, 2005